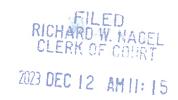
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### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO EASTERN DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

VS.

MUHAMMAD A. NIASS,

Defendant.

CASE NO.

JUDGE

**INDICTMENT** 

21 U.S.C. § 841(a)(1) & (b)(1)(C) 18 U.S.C. § 924(c)(1)(A)(i)

FORFEITURE ALLEGATIONS

THE GRAND JURY CHARGES:

COUNT 1
(Possession with Intent to Distribute Fentanyl)

On or about March 9, 2022, in the Southern District of Ohio, the defendant, MUHAMMAD A. NIASS, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (commonly known as "fentanyl"), a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C).

COUNT 2
(Possession with Intent to Distribute Cocaine)

On or about March 9, 2022, in the Southern District of Ohio, the defendant, MUHAMMAD A. NIASS, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C).

#### COUNT 3

(Carrying a Firearm During and in Relation to a Drug Trafficking Crime)

On or about March 9, 2022, in the Southern District of Ohio, the defendant, MUHAMMAD A. NIASS, knowingly carried a firearm, specifically, a Glock 27, Gen 4, .40 caliber handgun (S/N: BDWN644), during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute fentanyl and cocaine, as charged in Counts 1 and 2 of this Indictment, the allegations of which are incorporated here by reference.

In violation of 18 U.S.C.  $\S 924(c)(1)(A)(i)$ .

## COUNT 4 (Possession with Intent to Distribute Fentanyl)

On or about July 1, 2023, in the Southern District of Ohio, the defendant, MUHAMMAD A. NIASS, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (commonly known as "fentanyl"), a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C).

# $\frac{\text{COUNT 5}}{\text{(Possession with Intent to Distribute Cocaine)}}$

On or about July 1, 2023, in the Southern District of Ohio, the defendant, MUHAMMAD A. NIASS, knowingly and intentionally possessed with intent to distribute a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1) and 841(b)(1)(C).

### FORFEITURE ALLEGATION A

The allegations from Counts 1-2 and 4-5 are hereby realleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America under 21 U.S.C. § 853(a)(1) and (2).

Upon conviction of any of the offenses from Counts 1-2 or 4-5, the defendant, MUHAMMAD A. NIASS, shall forfeit all right, title, and interest in any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of such offense(s), and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense(s).

<u>Substitute Assets</u>: If any of the forfeitable property described above, as a result of any act or omission of the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court:
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be divided without difficulty,

it is the intent of the United States of America, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant, up to the value of the forfeitable property.

Forfeiture pursuant to 21 U.S.C. § 853(a)(1) and (2) and Rule 32.2 of the Federal Rules of Criminal Procedure.

### FORFEITURE ALLEGATION B

The allegations from Counts 1-3 are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures to the United States of America under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c).

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Upon conviction of any of the offenses from Counts 1-3, the defendant, MUHAMMAD A. NIASS, shall forfeit to the United States any firearms or ammunition involved or used in such offense(s), including a Glock 27, Gen 4, .40 caliber handgun (S/N: BDWN644), and any associated ammunition.

Forfeiture pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c), and Rule 32.2 of the Federal Rules of Criminal Procedure.

s/Foreperson
Foreperson

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**Assistant United States Attorneys**